

REMARKS

Claims 1-16 were pending. Claims 9-16 were withdrawn from consideration by the Examiner pursuant to a previous restriction requirement. The Examiner rejected claims 1-5, 7 and 8 and objected to claim 6. By way of this amendment, claim 4 has been canceled and claim 1 has been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendment is found in the originally filed claims, and in the specification at page 15, lines 12-16. Accordingly, the Examiner is requested to enter the amendment.

The Examiner acknowledged Applicant's claim for foreign priority, however, stated that a certified copy of the priority document has not been received. Applicant notes that on October 16, 2001, Applicant submitted a certified copy of the priority document. A copy of the stamped postcard is attached hereto to verify that the PTO received this document. However, a courtesy copy of the priority document is attached hereto. Accordingly the Examiner is respectfully requested to acknowledge receipt of the priority document in the next correspondence.

Moreover, on October 16, 2001, Applicant submitted an Information Disclosure Statement (IDS), accompanied by a PTO-1449. See attached stamped postcard. The Examiner did not acknowledge receipt of this IDS and PTO-1449 in the Office Action Summary. A courtesy copy of the IDS and PTO-1449 is attached hereto. Accordingly, the Examiner is requested to acknowledge receipt of these documents, expressly consider the reference cited on the PTO-1449, and provide a copy of the PTO-1449 with his initials next to the cited reference.

The Examiner objected to the title and asserted that it is not descriptive. Applicants respectfully traverse. By way of this amendment the title has been amended to further describe the present invention. Accordingly, the Examiner is requested to enter the amendment to the title.

Claims 1, 3 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Harari (U.S. Pat. No. 5,198,380). Applicant respectfully traverses the rejection. Applicant submits that claims 1, 3 and 8 are free of the applied art for the reasons set forth *infra*.

Claims 1-3, 5, 7 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yoshida et al. (U.S. Pat. No. 6,329,680). Applicant respectfully traverses the rejection. Applicant submits that claims 1-3, 5, 7 and 8 are free of the applied art for the reasons set forth *infra*.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al. (U.S. Pat. No. 6,329,680) in view of Assaderaghi et al. (U.S. Pat. No. 5,784,311). Applicant respectfully traverses the rejection. Claim 4 has been canceled and therefore the rejection over claim 4 is moot.

The Examiner indicated that the changes made to 35 U.S.C. § 102(e) by the AIPA of 1999 do not apply to the examination of this application. Applicant respectfully disagrees, and notes that the present application was filed on October 16, 2001, which is after the effective date of November 29, 2000.

Claim 1 is directed to a high-frequency semiconductor device comprising: a semiconductor substrate having a main surface; a first wiring provided over said main surface of said semiconductor substrate; and a conductor layer continuously covering a periphery of said first wiring with a first insulator interposed therebetween in a section

crossing a direction of extension of said first wiring, wherein said conductor layer always transmits a grounding potential.

Applicant submits that neither Harari nor Yoshida et al., disclose the claimed invention. It is noted that in FIG. 5f of Harari, reference numeral 509 is a control gate of EPROM or EEPROM, and cannot be considered the equivalent of a conductor layer which always transmits a grounding potential. Further, in Yoshida, reference numerals 12, 17 and M₁ are contact holes and a wiring which are connected to source/drain of MISFET. Similarly, these cannot be considered equivalents of a conductor layer which always transmits a grounding potential.

Moreover the secondary reference (Assaderaghi et al.) does not remedy the above deficiencies of Harari and Yoshida et al. Assaderaghi et al. are silent as to a conductor layer which always transmits a grounding potential. Accordingly, Applicant submits that claims 1-3 and 5-8 are free of the applied art and the Examiner is respectfully requested to reconsider the imposed rejections.

Applicant acknowledges the indication of allowable subject matter for dependent claim 6. The Examiner indicated that dependent claim 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim. However, during a telephone interview with the Examiner on January 14, 2003, the Examiner indicated that claim 6 was not rejected under 35 U.S.C. § 112, second paragraph, and therefore claim 6 would be allowable if rewritten to include all of the limitations of independent claim 1. Applicant submits that claims 1-3 and 5-8 are patentable for the reasons set forth *supra*.

In light of the amendments and remarks above, the application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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